

**IN THE UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MICHAEL FAVATA, ET AL,

Plaintiffs

v.

NATIONAL OILWELL VARCO, L.P.,

aka/fka BRANDT NOV

Defendant.

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CIVIL ACTION NO. 2:12-CV-00082

**DEFENDANT NATIONAL OILWELL VARCO, L.P.'S
MOTION FOR ENTRY OF JUDGMENT**

Defendant National Oilwell Varco, L.P. ("NOV") respectfully requests that the Court enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure in accordance with the jury's verdict.

I.

A jury trial commenced in this case on April 14, 2014. The jury returned a unanimous verdict in favor of NOV on April 21, 2014. The Court polled the jury, thereby confirming the unanimity of the verdict, and then dismissed the jury.

In response to Question 1 of the Charge of the Court, the jury found that Plaintiffs were so similarly situated to each other so as to have all of their claims resolved together on a representative basis for Plaintiffs' one-man job and two-man job claims. In response to Question 2 of the Charge of the Court, the jury further found that Plaintiffs did not establish by a preponderance of the evidence that Plaintiffs attended mandatory half-hour meetings on days that they recorded 12.0 hours on their timesheets. As a result, the jury did not answer Questions 3

and 4. In response to Question 5 of the Charge of the Court, the jury found that Plaintiffs did not prove by a preponderance of the evidence that Plaintiffs worked 24 hours on days that they recorded 16.0 hours on their timesheet for a one-man job. Therefore, the jury did not answer Questions 6, 7, 8, and 9.

NOV respectfully requests that this Court enter final judgment on the jury's verdict and adjudge that the Plaintiffs take nothing on all of their claims against NOV. Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920, NOV further requests the Court award NOV all taxable costs as the prevailing party in this litigation. Fed. R. Civ. P. 54(d); *see also* 28 U.S.C. § 1920; *Reyes v. Tex. Ezpawn, L.P.*, No. V-03-128, 2007 WL 4530533, at *1-3 (S.D. Tex. Dec. 19, 2007) (awarding costs to the prevailing defendant after trial in a FLSA class action case).

II.

For the reasons stated above, Defendant National Oilwell Varco, L.P. respectfully requests that this Court grant NOV's Motion for Entry of Final Judgment and: (1) enter a take nothing judgment on Plaintiffs' claims against Defendant National Oilwell Varco, L.P.; and (2) adjudge all taxable costs against Plaintiffs.

Dated: May 9, 2014

Respectfully submitted,

/s/ M. Carter Crow

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on May 9, 2014, upon the following counsel of record.

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s/ M. Carter Crow

M. Carter Crow